

OCT 22 2004

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PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
TRUMAN A. HERRON 1935-1978  
EDWARD B. EVANS 1936-1971

October 22, 2004

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## FACSIMILE COVER SHEET

To: Examiner Hussein A. El-chanti  
Mail Stop AF  
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Enclosures:

Fax Cover Sheet containing Certificate of  
Facsimile Transmission (1 page)  
Notice of Appeal containing Certificate of  
Facsimile Transmission and Authorization  
to Charge Deposit Account 23-3000 in the  
amount of \$340.00 for the Fee (1 page)

From: Scott A. Stinebruner  
Reg. No. 38,323  
Re: U.S. Patent Application  
Serial No. 09/732189  
Filed: December 7, 2000  
Applicant: Robert Miller  
Art Unit: 2157  
Confirmation No.: 1431  
Our Ref: IBM/151

Pages: 2 (including cover sheet)

MESSAGE/COMMENTS  
OFFICIAL

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*Judith L. Volk*  
Judith L. Volk

*October 22, 2004*  
Date

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OCT 22 2004

PATENT

Attorney Docket No. IBM/151  
Confirmation No. 1431

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert Miller Art Unit: 2157  
Serial No.: 09/732,189 Examiner: Hussein A. El-chanti  
Filed: December 7, 2000 Atty. Docket No.: IBM/151  
For: PEER PROTOCOL STATUS QUERY IN CLUSTERED COMPUTER SYSTEM

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM  
THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

Applicant hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed **July 23, 2004** finally rejecting claims 1-26.

The item(s) checked below are appropriate:

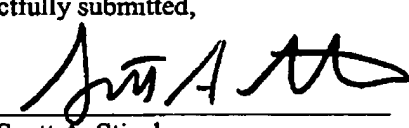
1. ☐ Applicant hereby petitions for a        month extension of time to reply to the final rejection.  
A check in the amount of \$        is attached.

2. ☒ Appeal Fee: XXX Other than a small entity Fee: \$340.00  
       Small Entity Status previously Fee: \$        
       Requested and is still proper  
       Small Entity Status Requested Fee: \$

3. ☒ Payment

       Check attached for the sum of \$       .  
XXX Please charge the sum of \$340.00 and any deficiency or credit  
any overpayment to Deposit Account No. 23-3000.

Respectfully submitted,

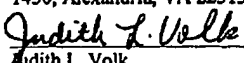
By:   
Scott A. Stinebruner  
Reg. No. 38,323

Date: 22 OCT 2004

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 October 22, 2004  
Judith L. Volk Date

Page 1 of 1  
Serial No. 09/732,189  
IBM Docket ROC920000125US1  
WH&E IBM/151  
Notice of Appeal  
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